

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 25281 of 2012 (I)  
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PETITIONER(S) :  
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1. AMBATTU HAMZA HAJI, AGED 70 YEARS,  
S/O.MAMMED HAJI, RESIDING AT MELATTUR AMSOM,  
EDAYATTUR DESOM, P.O.EDAYATTUR, MALAPPURAM DISTRICT.

2. AMBATTU ABOOBACKER HAJI,  
S/O.MAMMED HAJI, RESIDING AT MELATTUR AMSOM,  
EDAYATTUR DESOM, P.O.EDAYATTUR, MALAPPURAM DISTRICT.

BY ADVS.SRI.T.SETHUMADHAVAN  
SRI.PUSHPARAJAN KODOTH  
SRI.K.JAYESH MOHANKUMAR  
SMT.VANDANA MENON

RESPONDENT(S) :  
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1. THE REVENUE DIVISIONAL OFFICER,  
PERINTHALMANNA/CHAIRMAN, TALUK LAND BOARD,  
PERINTHALMANNA-678001.

2. THE VILLAGE OFFICER,  
THUVVUR, P.O.THUVVUR, MALAPPURAM DISTRICT-678001.

3. THE DISTRICT COLLECTOR,  
MALAPPURAM -678001.

R1 BY GOVERNMENT PLEADER SRI.T.J.MICHAEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

WP(C) .No. 25281 of 2012 (I)

APPENDIX

PETITIONER(S) EXHIBITS

EXHIBIT-P1. TRUE COPY OF THE ORDER OF THIS COURT IN CRP  
NO.884/2008 DATED 20.8.2011.

EXHIBIT-P2. TRUE COPY OF THE ORDER OF THE TALUK LAND BOARD,  
PERINTHALMANNA DATED 19.09.2012.

EXHIBIT-P3. TRUE COPY OF THE APPLICATION SUBMITTED BY THE 1ST  
PETITIONER BEFORE THE 1ST RESPONDENT DATED 19.10.12.

EXHIBIT-P4.TRUE COPY OF POSTAL COVER.

RESPONDENTS' EXHIBITS: NIL

OKB

True copy

P.A. to Judge

K.HARILAL, J.

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W.P.(C) No.25281 of 2012  
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Dated this the 18<sup>th</sup> day of November, 2015.

JUDGMENT

The grievance of the petitioners is that 11.64 Acres of land comprised in Sy.No.822/1 and 0.82 Acres comprised in Sy.No.827/2 of Thuvvur Village, Perinthalmanna Taluk, which belonged to the petitioners, was ordered to be surrendered by proceedings under the Land Reforms Act by the order dated 23.4.1980 and thereafter out of that extent, 8 Acres was exempted by Ext.P2. Subsequently, the petitioners again surrendered 82 cents of property also. Thus, the balance extent of property to be surrendered is only 3.64 Acres. The 2<sup>nd</sup> respondent without making any attempt to take possession of the remaining 3.64 Acres of land from the property lying adjacent to 8 Acres of land, which was exempted earlier, has insisted the petitioners to surrender the

remaining 3.64 Acres which is in the direct possession of the petitioners. Aggrieved by the proceedings, the petitioners filed Ext.P3 application before the 1<sup>st</sup> respondent to issue necessary direction to the 2<sup>nd</sup> respondent to conduct a physical verification and to take possession of the remaining extent of land from the property comprised in re-surveyed survey numbers. However, the 2<sup>nd</sup> respondent is not making any attempt in this regard in spite of long lapse of years. According to the petitioners, unless appropriate direction is issued to the 1<sup>st</sup> respondent to take up Ext.P3 and issue necessary direction to the 2<sup>nd</sup> respondent as requested in Ext.P3, the petitioners will be put in great hardship and inconvenience.

2. Heard the learned counsel for the petitioners and the learned Government Pleader.

3. The learned Government Pleader opposed the submissions made by the learned counsel for the petitioners and contended that no property is remaining adjacent to 8 Acres of property, which was exempted from the proceedings.

4. However, having regard to the grievance projected in the writ petition, the 1<sup>st</sup> respondent is directed to pass necessary orders on Ext.P3 application, after affording an opportunity of being heard to the petitioners, within a period of three months from the date of receipt of a copy of this judgment. The interim order dated 30.10.2012 will continue till the disposal of Ext.P3.

This writ petition is disposed of accordingly.

Sd/-  
K. HARILAL, JUDGE

okb.